

A M E N D E D

NO. 71310

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUN 10 2004

Returned to applicant for correction JUN 30 2004

Corrected application filed JUL 09 2004

Map filed JUL 09 2004

The applicant **PRT USA, Inc., a Delaware Corporation** hereby makes application for permission to change the **Point of diversion, Place of use, Manner of use, of a portion** of water heretofore appropriated under **Permit No. 19453 Certificate No. 6007**

1. The source of water is **Underground source**
2. The amount of water to be changed **55 AFA, 11 Acres, .1540 C.F.S.**
3. The water to be used for **Commercial use**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **within the southwest quarter (SW¹/₄) of the northeast quarter (NE¹/₄) of Section 14, T.21S., R.53E., M.D.B.&M., Nye County, Nevada from which the northeast corner of said Section 14 bears N 42° 18' 04" E a distance of 2177.44 feet.**
6. The existing permitted point of diversion is located within **the southwest quarter (SW¹/₄) of the northeast quarter (NE¹/₄) of Section 14, T.21S., R.53E., M.D.B.&M., Nye County, Nevada from which the northeast corner of said Section 14 bears N 45° 00' E a distance of 1901.10 feet.**
7. Proposed place of use **being a portion of the east half (E¹/₂) of the southwest quarter (SW¹/₄) of the northeast quarter (NE¹/₄) of Section 14, T.21S., R.53E., M.D.B.&M., Nye County, Nevada, excepting therefrom the east 30.00 feet, the north 30.00 feet and the south 30.00 feet for road easement**
8. Existing place of use **consisting of 11 acres, being a portion of the south half (S¹/₂) of the southwest quarter (SW¹/₄) of the northeast quarter (NE¹/₄) of Section 14, T.21S., R.53E., M.D.B.&M., Nye County, Nevada**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **January 1st to December 31st** of each year.
11. Description of proposed works **existing 10" casing, submerable pump, presure tank, prop'd storage tanks (1-220k and 1-141k) and ass. distribution system**
12. Estimated cost of works **\$100,000**
13. Estimated time required to construct works **3 to 4 years – existing 10" casing submerable pump and presure tank**
14. Estimated time required to complete the application of water to beneficial use **5-years**

15. Remarks: This proposed commercial water system will provide water to a tree nursery consisting of 21-17,800 s.f. shade huts (89' x 200') w/sprinkler system's, 2-office and resident areas (1-1200 s.f. and 1-840 s.f.), 2-water reservoirs tanks (1-22k USG and 1-141k USG) and 1-320 s.f. combination wash and lunch room facility bldg. See attached fixture count and site plan (by P.E.)

By **Ronnie M. Phillips**
s/ **Ronnie M. Phillips**
Civilwise Services – 1240 E. State St. Suit #101
Pahrump, Nevada 89048

Compared aem/ lb/sam

Protested _____

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 19453, Certificate 6007 is issued subject to the terms and conditions imposed in said Permit 19453, Certificate 6007 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Permit 71310 is granted to provide water service to a parcel described as Nye County Assessor's Parcel (APN) 44-621-39.

This permit is issued with the understanding that 30% of this right is non-consumptive and returns to the groundwater basin.

A measuring device must be installed to measure the discharge into the collection pond and accurate measurements must be kept of that discharge.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1540 cubic feet per second, **and not to exceed 55.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

December 23, 2006

Proof of completion of work shall be filed before:

January 23, 2007

Water must be placed to beneficial use on or before:

December 23, 2008

Proof of the application of water to beneficial use shall be filed on or before:

January 23, 2009

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 23rd day of December, A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____